

## Catizone Declaration Exhibit Objection and Response Chart

Trial Exhibit Number	Exhibit Description	Defendant Objections	Plaintiff Response	Judge Rulings
P-00015	WAG 2013 Settlement Agreement	Fed. R. Evid. 402, 403, 408. (Settlement agreement and attached allegations from 2012 Order to Show Cause related to Walgreens' operations in Florida)	The Memorandum of Agreement with the DEA regarding Walgreens' allegedly deficient policies/procedure is relevant to the issues in this case, including to showing Walgreens' notice and intent. As to the 403 and 408 objections (addressed in the People's response to WAG MIL 1, Dkt. 1219 at 368), the People do not propose to prove the truth of the DEA's allegations against Walgreens, but to show that, following the DEA enforcement actions and settlements, Walgreens knew it ought to have but then failed to implement effective controls against diversion. As the Advisory Committee Notes observe, "Rule 408 is inapplicable when evidence of the compromise is offered to prove notice." (Note to 2006 Amendments). Again, the MOA shows Walgreens was on notice of its deficient anti-diversion policies.	
P-00060	Walgreens Memo to Rex Swords from Tasha Polster, DEA Strategy Meeting Agenda			
P-00136	Email DEA Update Presentation For Market Leadership; DEA Market Leadership Scrubbed Version Jan 2013			
P-06999	Email Prescriber Index Attachment Prescriber Index Approach_v2			
P-14357	Re: UX research readout session -- FEEDBACK;	Hearsay, Fed. R. Evid. 802 (Document created by Tata Consulting Services is an out of court statement offered to prove the truth of the matter asserted. Document contains second-level hearsay statement from anonymous Walgreens' pharmacy employees.)	Not hearsay: The presentations at issue were created by a consulting company (Tata) hired and authorized by Walgreens to make and present findings on the issues present in the report, making the document not hearsay under FRE 801(d)(2)(C)-(D). The "second-level hearsay," by Walgreens' admission, was made by employees of Walgreens who, as the document makes clear, were speaking in the scope of their employment to Walgreens' hired consultant. The statements are also non-hearsay under FRE 801(d)(2)(A).  Alternatively, the document is admissible not for the truth of the matter asserted but to show that Walgreens was on notice about concerns expressed by its pharmacists and resulting stress-related errors, but ordered Tata to remove that discussion.	
P-14370	Discussion on Updated Personas and Research Findings (Session 2)	Hearsay, Fed. R. Evid. 802 (Document created by Tata Consulting Services is an out of court statement offered to prove the truth of the matter asserted. Document contains second-level hearsay statement from anonymous Walgreens' pharmacy employees.)	Not hearsay: The presentations at issue were created by a consulting company (Tata) hired and authorized by Walgreens to make and present findings on the issues present in the report, making the document not hearsay under FRE 801(d)(2)(C)-(D). The "second-level hearsay," by Walgreens' admission, was made by employees of Walgreens who, as the document makes clear, were speaking in the scope of their employment to Walgreens' hired consultant. The statements are also non-hearsay under FRE 801(d)(2)(A).  Alternatively, the document is admissible not for the truth of the matter asserted but to show that Walgreens was on notice about concerns expressed by its pharmacists and resulting stress-related errors, but ordered Tata to remove that discussion.	
P-15037	Walgreens Good Faith Dispensing Email and Policies			
P-15038	TD GFD Policy without PMP printing		Alternatively, the document is admissible not for the truth of the matter asserted but to show that Walgreens was on notice about concerns expressed by its pharmacists and resulting stress-related errors, but ordered Tata to remove that discussion.	

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P-15074	Controlled Substance Prescriptions and Good Faith Dispensing Policy (2/21/2014); Controlled Substance Prescriptions and Good Faith Dispensing Policy (8/1/2013); Controlled Substance Prescriptions and Good Faith Dispensing Policy (6/11/2012); Controlled Substance Prescriptions and Good Faith Dispensing Policy (8/11/2011); Controlled Substance Prescriptions and Good Faith Dispensing Policy (6/20/2011); Good Faith Practices and Fraudulent Prescriptions (3/28/2007); Good Faith Practices and Fraudulent Prescriptions; Target Drug Good Faith Dispensing Policy (6/1/2016); Target Drug Good Faith Dispensing Policy (9/1/2013)			
P-15085	RE: Monthly DM webinars; Good Faith Dispensing DM Webinar			
P-15119	Good Faith Practices (2/9/2005); Good Faith Practices (3/24/2003); Good Faith Practices (4/3/2003); Good Faith Practices (1/6/2003); Good Faith Practices (6/14/2004); Good Faith Practices/Fraudulent Prescriptions (2/26/2006); Good Faith Practices (8/1/1998); Good Faith Practices (11/15/2005)			
P-15176	Good Faith Practices			
P-15188	Controlled Substance Prescriptions and Good Faith Dispensing Policy REDLINE			
P-15307	Email Green Belt Project Introduction Attachments Project Kickoff Meeting - TDGFD Process Time Reduction PPT; TDGFD Charter V4			
P-15310	Email Training material per DEA subpoena - FW: TIME UPDATE: Please deliver invitation to Grad Intern: Graduate Intern Orientation Meeting Attachments PHIG Orientation 2015 w-ap update PPT;			
P-15314	Email Materials for Today's Controlled Substance Action Plan Videoconference Attachments Controlled Substance Action Plan; FOC Survey - June 2012; Focus on Compliance June 2012; FOC Pain Management - Job Aid; Controlled Substance Prescriptions & Good Faith Dispensing Policy; FOC Pain Management - Job Aid; Controlled Substance Prescriptions & Good Faith Dispensing Policy			
P-15315	Email Schedule II narcotic dispensing policy Attachments Schedule II Narcotic Dispensing Guidelines v3; Official Prescriber Sanction Letter; Prescriber Sanction Pilot; Prescriber Scorecard			
P-17169	FW: Rx Integrity - Southern Division Conference Call/Webinar; Pharmacist GFD Coaching Opportunities			
P-17177	National TD GFD Compass Communication			
P-17180	Pharmaceutical Integrity June BCI questions v2x			
P-17188	Walgreens National TD-GFD Policy (Updated FAQs); NATIONAL TARGET DRUG (TD) GOOD FAITH DISPENSING (GFD) FAQs			
P-17193	Resp't 239-A - RxSchool.com - The Pharmacist's Role			
P-17218	FW: OpsAdmin Weekly dashboard 5/8 Field Feedback - Pharmacy Managers n Current Challenges and Pain Points			
P-17247	WAG DUR Overview			
P-17250	Internal Investigation Form: : IC1000823913			
P-19529	Staff Pharmacist Bonus Program			
P-19543	Email Oxycodone Sales; WAG concerned Florida pharmacists are turning away good scripts			
P-19573	CPO Server RxIntegrity and Third Party			
P-19584	BCI Breakdown			

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P-19595	Pharmacist GFD Review - Pharmaceutical Integrity Team Pharmacist Coaching Opportunities			
P-19607	RE: RPh Non-dispensing report; Pharmacist Controlled Substance Dispensing Opportunities V3 (4)			
P-19613	Good Faith Practices/Fraudulent Prescriptions; TDGFD June 2016 Version; GFD Video			
P-19629	WAG pharmacist not following GFD			
P-19651	San Diego MOA	Fed. R. Evid. 402, 403, 408, 802. (Settlement agreement with DEA related to 2009 DEA Order to Show Cause pertaining to single store in San Diego with no admission of wrongdoing or monetary payment, and no connection to San Francisco)	The Memorandum of Agreement with the DEA regarding Walgreens' allegedly deficient policies/procedure is relevant to the issues in this case, including to showing Walgreens' notice and intent. As to the 403 and 408 objections (addressed in the People's response to WAG MIL 1, Dkt. 1219 at 368), the People do not propose to prove the truth of the DEA's allegations against Walgreens, but to show that, following the DEA enforcement actions and settlements, Walgreens knew it ought to have but then failed to implement effective controls against diversion. As the Advisory Committee Notes observe, "Rule 408 is inapplicable when evidence of the compromise is offered to prove notice." (Note to 2006 Amendments). Again, the MOA shows Walgreens was on notice of its deficient anti-diversion policies.	
P-19690	Navigating the Management of Chronic Pain			
P-19716	Appendix	Fed. R. Evid. 402, 403, 802. (Allegations from 2012 Order to Show Cause related to Walgreens' operations in Florida)	The settlement agreement at issue relates to WAG compliance issues so it is highly relevant. Relevant to show notice, intent, plan, etc.  D's FRE 403 objection assumes the evidence is relevant, but seeks to exclude it as prejudicial. FRE 403/prejudice objections are not appropriate in a bench trial; the court will assign whatever weight the evidence observes.  FRE 408 only excludes evidence of settlement discussions when offered "to prove or disprove the validity or amount of a disputed claim." As the Advisory Committee Notes observe, "Rule 408 is inapplicable when evidence of the compromise is offered to prove notice." (Note to 2006 Amendments). The 2013 Settlement Agreement shows Walgreens was on notice of its deficient anti-diversion policies.	
P-19745	Good Faith Practices			
P-19821	Pharmacy Manager Bonus Program			
P-20639	DEA market leadership Jan2013 PowerPoint			
P-20642	DEA Walgreens Order to Show Cause	Fed. R. Evid. 402, 403, 408, 802. (Settlement agreement with DEA related to 2009 DEA Order to Show Cause pertaining to single store in San Diego with no admission of wrongdoing or monetary payment, and no connection to San Francisco)	The DEA's Order to Show Cause regarding Walgreens' allegedly deficient policies/procedure is relevant to the issues in this case, including to showing Walgreens' notice and intent. As to the 403 and 408 objections (addressed in the People's response to WAG MIL 1, Dkt. 1219 at 368), the People do not propose to prove the truth of the DEA's allegations against Walgreens, but to show that, following the DEA enforcement actions and settlements, Walgreens knew it ought to have but then failed to implement effective controls against diversion. As the Advisory Committee Notes observe, "Rule 408 is inapplicable when evidence of the compromise is offered to prove notice." (Note to 2006 Amendments). Again, the MOA shows Walgreens was on notice of its deficient anti-diversion policies.	
P-20789	Email National Target Drug Good Faith Dispensing (TD GFD) Documents Attachments			

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P-20790	Email Stakeholders' Challenges and Red Flag Warning Signs Related to Prescribing and Dispensing Controlled Substances & Press Release Attachments			
P-20793	Rx Fulfillment, Research Report	Hearsay, Fed. R. Evid. 802 (Document created by Tata Consulting Services is an out of court statement offered to prove the truth of the matter asserted. Document contains second-level hearsay statement from anonymous Walgreens' pharmacy employees.)	Not hearsay: The presentations at issue were created by a consulting company (Tata) hired and authorized by Walgreens to make and present findings on the issues present in the report, making the document not hearsay under FRE 801(d)(2)(C)-(D). The "second-level hearsay," by Walgreens' admission, was made by employees of Walgreens who, as the document makes clear, were speaking in the scope of their employment to Walgreens' hired consultant. The statements are also non-hearsay under FRE 801(d)(2)(A).  Alternatively, the document is admissible not for the truth of the matter asserted but to show that Walgreens was on notice about concerns expressed by its pharmacists and resulting stress-related errors, but ordered Tata to remove that discussion.	
P-20795	Re: Inform: Walgreens Electronic Good Faith Dispensing (GFD) Pilot-Pharmacy			
P-20799	Fwd: Good Faith Dispensing - High Risk Products Discussion		Alternatively, the document is admissible not for the truth of the matter asserted but to show that Walgreens was on notice about concerns expressed by its pharmacists and resulting stress-related errors, but ordered Tata to remove that discussion.	
P-20801	FW: Target Drug Good Faith Dispensing Questions			
P-20803	RE: T-GFD Sheets			
P-21866	Corresponding Responsibility, It's the Law. - California State Board of Pharmacy			
P-22219	FR 83, No. 49: Pharmacy Doctors Enterprises d/b/a Zion Clinic Pharmacy; Decision and Order			
P-22297	Guido James Gores Jr Stipulated Surrender of License and Order			
P-23068	Stakeholders' Challenges and Red Flag Warning Signs Related to Prescribing and Dispensing Controlled Substances			
P-23077	2 of 2 Ohio Store Leadership Launch Event 2-day v2			
P-23078	Workflow			
P-25492	Controlled Substance Order Monitoring Process Review Report Final031815			
P-25503	FW: top pbr report			
P-25699	GFD - Top 500 Potential Stores			
P-25700	Market Leadership Meeting Oct 13 v11Edit			
P-25734	DEA Update; DEA Board Briefing Document			
P-25751	RE: Your part of the Request List Prime			
P-25753	Business Outcomes and Capabilities for GFD 2.0 Phase 2; GFD 2.0 Process Flow- IT Discovery			
P-26350	Hydrocodone Reschedule from III to CII			
P-27265	RE: Fwd: Ref #12906940			
P-27288	IC10001237824 - incident level			
P-27289	IC10001237907 - investigation related to IC10001237824			
P-27292	IC10007187502			
P-27293	IC10007443194			
P-27295	IC10010513959 - incident level			
P-27296	Record related to IC10002424074			
P-27297	Record related to IC10002558608			
P-27298	Record related to IC100027244937			
P-27300	CM-HTL-IN-118340970 - record related to IC10002478716			
P-27303	IC10000316819 - incident level			
P-27304	CM-HTL-IN-117216061 - related to IC10002380664			

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P-27305	IC10005617104 - incident level			
P-27325	IC10010313210			
P-27327	IC10000867902			
P-27328	IC10005445944			
P-27333	Market 5 Visit - 2/12 thru 2/14			
P-27367	RE: Prescriber Indexing Criteria			
P-27369	List of prescribers with at least 13 overall Oxy 15/30 scripts, avg 1/wk, including Gores			
P-27446	Checklist for Gores Prescription [Walgreens Store 13666 Gores Rx]			
P-27514	Giovannini License Surrender Decision and Order			
P-27532	Refusal to Fill & Comments re Gores			
P-27533	Refusal to fill Leong			
P-27568	U.S. v. Collin Leong- US District Court for the Northern District of California, Case No. 15-cr-00127-WHO			
P-27609	Seet License Surrender Decision and Order			
P-27610	Leong Exhibit A to California Medical Board Stipulation for Surrender of Certificate			
P-28430	In the Matter of the Accusation Against John Winthrop Pierce MD			
P-28445	Walgreens Written Responses to Certain 30(b)(6) Topics (CT3)			
P-28446	Walgreens Written Responses to Certain 30(b)(6) Topics (CT3)			
P-28506b	Craig J. McCann, Ph.D, CFA Report Coding and Files for 12.23.2021 Rebuttal Report			
P-28997	Pierce Controlled Substance Restrictions E-mail			
P-29849	Target Drug Opioid Prescriptions Versus Target Drug Checklists	Undisclosed 1006 Summary Exhibit (exhibit summarizing the percentage of Walgreen's target drug prescriptions that have completed target drug checklists. This summary exhibit was not included or disclosed in Mr. Catizone's report or materials relied on.)	P-29849 was timely disclosed in accordance with the pretrial deadline.	
P-42147	FR 77, No. 198: Holiday CVS, L.L.C., d/b/a CVS/ Pharmacy Nos. 219 and 5195; Decision and Order			